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use of the bridge, and the only notice he had of an intention to use the bridge by the party injured, who had been instructed to take a different route, was his statement that he intended to go over the bridge made to a servant of the owner who had no authority to authorize a disregard of his instruction or to consent for his master to the use of the bridge, but whose sole duty was to look after a lime kiln when in operation, and to keep an account of the loads of lime delivered, some of which the person injured was hauling.

DOOLEY & BAYLESS V. CITY OF BRISTOL.—Decided at Richmond, January 14, 1904.—*Buchanan, J.*

1. MUNICIPAL CORPORATIONS—*License tax—Business, occupation or profession—Penalty.* A city ordinance imposing a fine on any person conducting a business, occupation or profession for the conduct of which a license is required, without first obtaining such license, has no application to a non-resident merchant whose place of business is without the state, and who keeps a team outside of the state which he uses upon the streets of the city in delivering goods to his customers, although a previous section of the same ordinance imposes a license tax for the privilege of running vehicles for conveying passengers or freight over the streets of the city. Such use of the streets is not a business, occupation or profession for which a license is required.

HANCOCK V. WHITE HALL TOBACCO WAREHOUSE CO.—Decided at Richmond, January 14, 1904.—*Whittle, J.* Absent, *Buchanan, J.*

1. RES JUDICATA—*Entire contract—Several actions.* A demand arising from an entire contract cannot be divided and made the subject of several suits; and if several suits are brought for a breach of such a contract a judgment upon the merits in either will bar a recovery in the others.

2. ENTIRE CONTRACT—*Action thereon—Anticipatory breach—Damages.* A contract by a lessor to build and equip by a given date a warehouse which the lessee agrees to lease for a period of two years, with the privilege of extending the lease three years longer, is an entire contract, and the lessee can maintain but one action for the breach of the lessor's covenants to complete by a given time and equip in a specified manner. If this action be brought before the termination of the lease the lessee may recover therein not only the damages actually sustained down to the trial, but those to ensue thereafter if they are imminent and reasonably certain.

HOUSE V. HOUSE.—Decided at Richmond, January 14, 1904.—*Buchanan, J.*

1. DIVORCE—*Evidence—Opinions.* In a suit for divorce on the ground of cruelty the opinions of witnesses based upon their knowledge of the character or reputation of the parties are not admissible in evidence. The witnesses should state the facts, and not their opinions, and let the court determine from the facts proved whether the fact in issue has been established.